

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TOMMY FUENTES,)	CV F 02 5948 LJO HC
)	
Petitioner,)	
)	ORDER DISMISSING MOTION FOR
v.)	APPOINTMENT OF COUNSEL
)	
FRED BROWN,)	[Doc. #33]
)	
Respondent.)	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on appeal to the Ninth Circuit Court of Appeals.

On November 15, 2004, Petitioner filed a motion for appointment of counsel. There currently exists no absolute right to appointment of counsel in habeas proceedings. See e.g., Anderson v. Heinze, 258 F.2d 479, 481 (9th Cir.), cert. denied, 358 U.S. 889 (1958); Mitchell v. Wyrick, 727 F.2d 773 (8th Cir.), cert. denied, 469 U.S. 823 (1984). However, Title 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case “if the interests of justice so require.” See Rule 8(c), Rules Governing Section 2254 Cases. In the present case, the Court does not find that the interests of justice would be served by the appointment of counsel at the present time. Judgment was entered on October 12, 2004, and the matter before this Court is terminated.

1 Accordingly, Petitioner's request for appointment of counsel is DISMISSED. Petitioner is
2 advised that he may renew his motion before the Ninth Circuit Court of Appeals.

3 IT IS SO ORDERED.

4 **Dated: July 13, 2005**
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/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE